



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

May 1, 2002

Reply to
Attn. of: OWCM-121

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Rob Hartman
FMC Corp.
Highway 30 West
Pocatello, Idaho 83202

Re: Request for Information Pursuant to Section 104 of CERCLA and Section 3007 of the Resource Conservation and Recovery Act (RCRA) FMC-Pocatello, EPA ID Number, IDD07092 9518

Dear Mr. Hartman:

This is a followup to our meeting of March 21, 2002, when you, Jim Sieverson, and David Heineck met with EPA and Shoshone-Bannock staff to discuss status and progress on various RCRA, CERCLA, and plant closure-related issues for FMC's Pocatello facility. It appears that progress is being made on a number of matters, and we appreciate the time that you spent preparing for the meeting and presenting information on these various topics. As indicated at that meeting, there are some areas on which EPA and the Tribes need additional information in order to work effectively with you and in order to effectively carry out our oversight responsibilities.

We are seeking this information through an Information Request pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604, as amended, and Section 3007 of RCRA, 42 U.S.C. § 6927. You are hereby requested to respond to the Information Request set forth in Attachment A, attached hereto. Also, as requested at the meeting on March 21, please send a copy of the most recent Biennial Report to Susan Hansen, RCRA/CERCLA Program Manager, Shoshone-Bannock Tribes.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA and Section 3008 of RCRA, 42 U.S.C. § 6928. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-seven thousand five hundred dollars (\$27,500.00) for each day of continued non-compliance. Please be further



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advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA.

The information requested herein must be provided to EPA even though you may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. §§ 9604(e)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 C.F.R. 2.203(b), by attaching to such information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent and only by means of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. We ask that you work with the Tribes to make confidentiality arrangements satisfactory to you so that requested confidential information can be shared with the Tribes.

If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresentative, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Your response to this Information Request should be mailed to:

Linda Meyer
U.S. Environmental Protection Agency
Office of Waste and Chemicals Management
1200 Sixth Avenue MS/WCM-121
Seattle, WA 98101

and

Susan Hanson
RCRA/CERCLA Program Manager
Shoshone-Bannock Tribes
P.O. Box 306
Fort Hall, Idaho 83203

If any of the information can be provided sooner than the 30 days allowed, we would appreciate receiving it as soon as available; likewise, if some of the information will take longer than this to provide, you should contact us promptly to request an extension. If you have any questions relating to this Information Request, please direct legal questions to Andrew Boyd of the Office of Regional Counsel at (206) 553-1222, and technical questions to Linda Meyer at (206) 553-6636.

Thank you for your cooperation in this matter.

Sincerely,



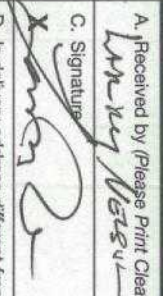
Richard Albright, Director
Office of Waste and Chemicals Management

Attachment

cc: Blaine Edmo, Chairman, Fort Hall Business Council
Susan Hanson, Shoshone-Bannock Tribes
Jeanette Wolfley, Attorney, Shoshone Bannock Tribes
David Heineck, Summit Law Group

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent to <u>Rob Hartman FMC Corp.</u> Street, Apt. No., or PO Box No. <u>Highway 30 W</u> City, State, ZIP+4 <u>Pocatello, ID 83202</u>	
PS Form 3800, January 2001 See Reverse for Instructions	

6922 6E05 E000 09E0 T002

SENDER: COMPLETE THIS SECTION 1. Article Addressed to: Mr. Rob Hartman FMC Corporation Highway 30 West Pocatello, ID 83202		COMPLETE THIS SECTION ON DELIVERY A. Received by (Please Print Clearly) <u>Linda Meyer</u> B. Date of Delivery <u>5-6</u>	
2. Article Number (Copy from service label) 70010360 6003 5039 2289		C. Signature 	
PS Form 3811, July 1999 Domestic Return Receipt		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		MAY 09 2002 OFFICE OF WASTE CHEMICAL MGMT.	

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Thank you for your cooperation in this matter.

Sincerely,

Rick Albright, Director
Office of Waste and Chemicals Management

Attachment

cc: Blaine Edmo, Chairman, Fort Hall Business Council
Susan Hanson, Shoshone-Bannock Tribes
Jeanette Wolfley, Attorney, Shoshone Bannock Tribes
David Heineck, Summit Law Group

bcc: Andy Boyd, EPA-R10, ORC
Sylvia Burges, EPA R-10, OCWM
Linda Meyer, EPA R-10, OCWM

CONCURRENCE					
Name	Haselberger	Meyer	Burges	Boyd	
Initials	<i>YSA</i>	<i>hm</i>	<i>SB</i>	<i>AB</i>	
Date	4/23/02	4/23/02	4/24/02	4/24/02	

Attachment A - Information Request to FMC Corporation

The following specifies the information we are requesting:

- 1) Provide all information used to make a hazardous waste determination in accordance with 40 CFR §262.11 for all waste waters; process waters; Pond 17, 18A and 18 B decant water; calciner pond decant water, rail car water, and furnace burden. This should include, at a minimum:
 - a) identification of locations, dates, number of samples, sampling methods (composite/grab), and analytical methods;
 - b) a description of the methodology used for any flux chamber tests, including a description of the test conditions (amounts of mixing, sample temperatures, etc.);
 - c) a description of the tests conducted to demonstrate that any of the wastes are or are not RCRA hazardous for reactivity (40 CFR 261.23);
 - d) a description of the model(s) used, the assumptions made, and the standards used for determining that the various wastes are or are not RCRA characteristic for reactivity for PH_3 and HCN (40 CFR §261.23);
 - e) results of all analytical analysis of the above waste streams, including radionuclide analysis, flux chamber tests, and any analysis for sulfides; include all sample quality assurance / quality control documentation;
 - f) for each of the waste streams identified above, the complete profile of data submitted to vendors regarding potential offsite disposal.
2. Provide all data and results related to wastewater treatability studies for Ponds 17, 18a and 18b, and rail car decant water.
3. Provide copies of any pretreatment permit applications submitted to City of Pocatello waste water treatment plant authorities.
4. Provide a corrected version of the "Plant Shutdown Phosphorus Material Summary" table that was presented by FMC in the 3/21/2002 meeting.
5. Provide detailed information on the volume of water in the calciner ponds, and provide a description of FMC plans for disposal of this water.
6. Provide, for Ponds 16S, 15S, 8E, and the phase IV ponds, all analytical data (including the items specified in 1a and 1e above), and provide FMC's management plans for water extracted during dewatering.

7. Identify of all phosphorus-containing materials remaining at the site that FMC does not consider to be solid wastes, and provide all supporting data and information used to make this determination, including but not limited to:

- a) a description of current plans for the sale, transfer, or marketing of these materials;
- b) concentration of each hazardous constituent (as defined by 40 CFR Part 261, Appendix VIII) where the concentration exceeds that found in the analogous raw material or product; explain the role/importance of each constituent so identified in relation to the intended use of the material;
- c) any and all information on whether the material exhibits any of the hazardous characteristics (specified in 40 CFR Part 261, Subpart C) that the analogous raw material or product would not;
- d) any and all information on whether the material contains levels of recoverable material similar to analogous raw material or product, and whether it is as effective as the raw material or product it replaces;
- e) any industry-recognized quality specifications for the material;
- f) any and all information on economic value of the material compared to the raw material or product normally used, and any contract or agreement for sale or transfer;
- g) identification of each unique category of materials, the use for which each of these materials is intended to be sold or transferred, and a current listing of likely purchasers or recipients of these materials;
- h) any and all information on whether the materials require reclamation or processing before they can be used, and a description of reclamation or processing required and its cost as compared to the cost of disposing of the material in accordance with applicable regulations;
- i) a description of any plans and schedule for reclamation or processing of these materials;
- j) a schedule for sale, transfer, or use of these materials and description of how and where they will be stored or accumulated until sold, transferred, or put to use.